

RURAL TELECOMMUNICATIONS GROUP

advocate of rural wireless telecommunications providers

***1000 Vermont Avenue, NW, 10th Floor
Washington, DC 20005***

MEMORANDUM

To: Magalie Roman Salas, Secretary
Federal Communications Commission

From: Caressa D. Bennet, General Counsel
Brent H. Weingardt, Regulatory Counsel
Kenneth C. Johnson, Director – Legislative and Regulatory

Date: March 5, 2001

Re: *Ex Parte* Presentation – March 2, 2001

***In re Promoting Efficient Use of Spectrum Through Elimination of
Barriers to the Development of Secondary Markets,
WT Docket No. 00-230***

***In re Amendment of Part 2 of the Commission's Rules to Allocate
Spectrum Below 3 GHz for Mobile and Fixed Services to Support the
Introduction of New Advanced Wireless Services Including
Third Generation Wireless Systems,
ET Docket No. 00-258***

On March 2, 2001, Caressa Bennet, Brent Weingardt, Dee Herman, and Kenneth Johnson of Bennet & Bennet, PLLC, representing the Rural Telecommunications Group (RTG), participated in a telephone call with Paul Murray, Kathy Harris, and Elias Johnson of the Federal Communications Commission's (FCC) Wireless Telecommunications Bureau (Bureau) concerning the above-referenced proceedings. Also representing RTG was Melvin Munn of Peoples Cellular.

In the Secondary Markets Proceeding, RTG informed the Bureau that spectrum license holders would need a voluntary economic incentive in order to lease spectrum to small and rural carriers. RTG proposed that the license holders should not be responsible for the actions of carriers that they lease spectrum to since this would be a disincentive to leasing. RTG noted that the majority of the initial comments suggest that the Commission has the legal authority to impose its rules on non-licensees who operate on radio spectrum. RTG suggested an electronic database for lease contacts that the FCC could reference in case of rule violations. Consistent with its comments filed in the proceeding, RTG presented its view on the real-world application of the law to leasing arrangements that RTG counsel is currently crafting.

In the Third Generation (3G) relocation proceeding, consistent with its comments, RTG reiterated the need for the Commission to adequately compensate carriers that are forced to relocate in light of the FCC's 3G efforts. In addition, RTG noted that rural carriers depend upon existing microwave facilities in the 2110-2150 MHz and 2160-2165 MHz bands to operate their networks. Given the inherently long distances that rural wireless carriers must overcome in rural areas, RTG suggested that allocations in the 4 GHz or 6 GHz bands, where propagation distances are longer, are more appropriate than those in the higher 10 GHz and 11 GHz bands.

If you have any questions regarding this filing, please contact me at (202) 371-1500.

Sincerely,

_____/s/_____

Kenneth C. Johnson
Director – Legislative and Regulatory,
Rural Telecommunications Group

cc: Paul Murray
Kathy Harris
Elias Johnson

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